



DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY

Michael O. Leavitt  
Governor  
Dianne R. Nielson, Ph.D.  
Executive Director  
Don A. Ostler, P.E.  
Director

288 North 1460 West  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870  
(801) 538-6146 Voice  
(801) 538-6016 Fax  
(801) 536-4414 T.D.D.

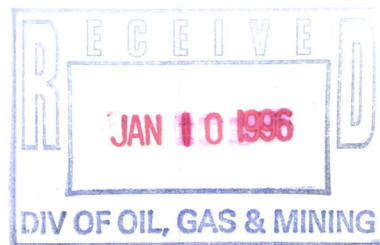
W/035/015

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Executive Secretary

January 5, 1996

CERTIFIED MAIL  
(Return Receipt Requested)

Robert E. Dunne, Project Manager  
Kennecott Utah Copper Corporation  
11984 West Highway 202  
P.O. Box 352  
Magna, Utah 84404-0352



Dear Mr. Dunne:

Subject: Permit UTG070066, Kennecott Utah Copper Corporation

Enclosed is UPDES permit No. UTG070066 for your facility. Copies of EPA form 3320-1, Discharge Monitoring Report (DMR) forms, for reporting and self-monitoring requirements as specified in the permit, will be sent as soon as printed. This permit will become effective today, subject to the right of appeal in accordance with the provisions of *Utah Administrative Code*, Sections R317-8-6.11 and R317-8-6.13.

A fee schedule was included in the Utah Department of Environmental Quality budget appropriation request of the Legislature and in accordance with *Utah Code Annotated* 19-1-201. The fee schedule, as approved by the Legislature, includes a prescribed fee for specific Industrial Categories. The prescribed fee for a Construction Dewatering category, Utah Pollutant Discharge Elimination System general permit is \$100.00. Please send this amount to:

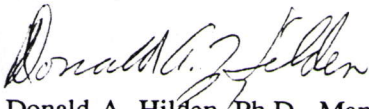
Department of Environmental Quality  
Division of Water Quality  
ATTN: Rose Griffin  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870



As the State agency charged with the administration of issuing UPDES Permits, we are continuously looking for ways to improve our quality of service to you. In effort to improve the State UPDES permitting process we are asking for your input. Since our customer permittee base is limited, your input is important. Please take a few moments to complete the enclosed questionnaire and return it in the postage paid, self-addressed return envelope. The results will be used to improve our quality and responsiveness to our permittees and give us feedback on customer satisfaction. We will address the issues you have identified on an ongoing basis.

If you have any questions with regard to this matter, please contact Steven McNeal at (801) 538-6075.

Sincerely,



Donald A. Hilden, Ph.D., Manager  
Permits and Compliance Section

KC/kc

Enclosures

cc: Judy Kobus-Fisk, EPA, Region VIII w/encl.  
Terry Sadler, Salt Lake City/County Health Dept. w/encl.  
Wayne Hedberg, DOGM w/encl.

Permit No. UTG070000

STATE OF UTAH  
DIVISION OF WATER QUALITY  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SALT LAKE CITY, UTAH

Rec'd w/1-5-96 letter

Rec'd 1-10-96

AUTHORIZATION TO DISCHARGE UNDER THE  
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(UPDES)  
GENERAL PERMIT FOR

GENERAL CONSTRUCTION DEWATERING and/or HYDROSTATIC TESTING

In compliance with the provisions of the *Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 1953*, as amended, (the "Act"),

**Kennecott Utah Copper Corporation**

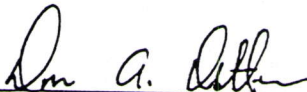
is authorized to discharge at the site identified in the *Notice of Intent (NOI)*, application number **UTG070066** from construction dewatering at the former Chevron fertilizer production facility to the C-7 ditch

in accordance with the effluent limitations, monitoring requirements and other conditions set forth herein.

This general permit shall become effective on January 5, 1996

This general permit shall expire at midnight, December 31, 1996.

Signed this 5th day of January, 1996.



Authorized Permitting Official  
Executive Secretary  
Water Quality Board

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**I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**A. Definitions.**

1. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average" is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.
3. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
4. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
5. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
6. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
7. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.



8. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
9. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
10. "EPA" means the United States Environmental Protection Agency.
11. "Act" means the "*Utah Water Quality Act*".
12. "Best Management Practices" ("*BMPs*") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. *BMPs* also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
13. "CWA" means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
14. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a *UPDES* permit (other than the *UPDES* permit for discharges from the municipal separate storm sewer) and discharges from fire fighting activities, fire hydrant flushings, potable water sources including waterline flushings, uncontaminated ground water (including dewatering ground water infiltration), foundation or footing drains where flows are not contaminated with process materials such as solvents, springs, riparian habitats, wetlands, irrigation water, exterior building washdown where there are no chemical or abrasive additives, pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used, and air conditioning condensate.
15. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges. This term does not include return flows from irrigated agriculture or agriculture storm water runoff.
16. "Runoff coefficient" means the fraction of total rainfall that will appear at a conveyance as runoff.
17. "Section 313 water priority chemical" means a chemical or chemical categories which:
  - a. are listed at 40 CFR 372.65 pursuant to Section 313 of Title III of the *Emergency Planning and Community Right-to-Know Act (EPCRA)* (also known as Title III of the *Superfund Amendments and Reauthorization Act (SARA)* of 1986);

- b. are present at or above threshold levels at a facility subject to *EPCRA, Section 313* reporting requirements, and
- c. meet at least one of the following criteria:
  - (1) are listed in *Appendix D* of *40 CFR 122* on either *Table II* (organic priority pollutants), *Table III* (certain metals, cyanides, and phenols) or *Table IV* (certain toxic pollutants and hazardous substances);
  - (2) are listed as a hazardous substance pursuant to *Section 311(b)(2)(A)* of the *CWA* at *40 CFR 116.4*; or
  - (3) are pollutants for which EPA has published acute or chronic toxicity criteria.
- 18. "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under *Section 101(14)* of *CERCLA*; any chemical the facility is required to report pursuant to *EPCRA Section 313*; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
- 19. "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under *Section 311* of the *Clean Water Act* (see *40 CFR 110.10* and *40 CFR 117.21*) or *Section 102* of *CERCLA* (see *40 CFR 302.4*).
- 20. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 21. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

B. Coverage Under the General Permit.

- 1. This general *UPDES* permit shall apply to construction dewatering of uncontaminated groundwater or hydrostatic testing of pipelines or other fluids vessels in the *State of Utah* that have no discharge of process wastewater other than those described in this paragraph. This permit also covers storm water runoff from construction sites, however the permittee will not be required to meet the numerical limitations as defined in section (I. D. 1.) for storm water runoff only. The permittee will be required to develop a storm water pollution prevention plan as defined in section (II.) of this permit.
- 2. This permit does not authorize discharges from dewatering activities at hazardous waste sites, leaking chemical tanks, the discharge of toxic materials, or discharge of sanitary wastes at any location. This permit does not constitute authorization under *33 U.S.C. 1344 (Section 404 of the Clean Water Act)* of any stream dredging or filling operations.

3. In order to be considered eligible for coverage under the terms and conditions of this permit, the owner, operator, or authorized agent of a facility must submit a completed *Notice of Intent (NOI)* by certified mail to the following addresses:

Department of Environmental Quality	US EPA
Division of Water Quality	999 18th Street Suite 500
288 North 1460 West	Denver, CO 80202-2466
PO Box 144870	Attention: Water Management Division
Salt Lake City, UT 84114-4870	NPDES Branch (8WM-C)
Attention Permitting and Compliance Section	

The *NOI* requires the following information:

- a. Name, address, telephone number, site location, map and descriptive location of the facility, amount of acreage to be disturbed, and location of discharge points;
- b. Name of individual in charge of operation of the facility;
- c. Name of potential receiving water(s);
- d. Description of any wastewater treatment system and recycle/reuse utilized;
- e. Brief description of the type of activity resulting in the discharge. This shall include the anticipated start and duration of activity and/or the discharge, anticipated volume and rate of discharge, and the source of water to be discharged;
- f. For hydrostatic testing only:
  - 1) The type of vessel being tested (e.g. pipe, tank etc.).
  - 2) The material from which the vessel was constructed (e.g. steel pipe, etc.).
  - 3) Whether the vessel is new or used material.
  - 4) A description of the fluid material contained and/or transported through the vessel.
  - 5) In the Colorado River Basin where raw water sources other than shallow wells or the receiving stream are to be used, information demonstrating conformance with the *Colorado River Basin Salinity Control Forum*, February 28, 1977 policy requirements and revisions thereof.
- g. Signature of owner, operator, or authorized agent (see *Part V.G, Signatory Requirements*) and the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the



system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

4. The owner or operator of a facility excluded from coverage by this general permit solely because that facility already has an individual *UPDES* permit may request that the individual permit be revoked and that the facility be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to that facility.
5. Any owner or operator covered by this general permit may request to be excluded from the coverage by applying for an individual *UPDES* permit. In addition, in accordance with *Utah Administrative Code (UAC) R317-8-2.5*, the *Executive Secretary* may require any owner or operator covered under this permit to apply for and obtain an individual *UPDES* permit for reasons that include the following:
  - a. The discharge(s) is a significant contributor of pollution;
  - b. The discharger is not in compliance with the conditions of this general permit; or
  - c. Conditions or standards have changed so that the discharger no longer qualifies for a general permit.
6. When an individual *UPDES* permit is issued to an owner or operator otherwise covered under this general permit, the applicability of the general permit to that owner or operator is automatically terminated upon the effective date of the individual *UPDES* permit.

C. Requiring an Individual Permit or an Alternative General Permit.

1. The *Executive Secretary* may require any person authorized by this permit to apply for and/or obtain either an individual *UPDES* permit or an alternative *UPDES* general permit. The *Executive Secretary* may require any owner or operator authorized to discharge under this permit to apply for an individual *UPDES* permit only if the owner or operator has been notified in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of the individual *UPDES* permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the address of the *Division of Water Quality* shown in *Part III.D* of this permit. The *Executive Secretary* may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual *UPDES* permit application as required by the *Executive Secretary*, then the applicability of this permit to the individual *UPDES* permittee is automatically terminated at the end of the day specified for application submittal.

2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of *Utah Administrative Code ("UAC") R317-8-3.8(2)(b)2* with reasons supporting the request, to the *Executive Secretary* at the address for the *Division of Water Quality* in *Part II.H* of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
3. When an individual *UPDES* permit is issued to a owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the alternative general permit, whichever the case may be. When an individual *UPDES* permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the date of such denial, unless otherwise specified by the *Executive Secretary*.

D. Address.

1. Department of Environmental Quality  
Division of Water Quality  
288 North 1460 West  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870

E. Narrative Standard.

It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any sanitary waste or other waste substances in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil and grease (O & G), scum or other nuisances such as color, odor or taste, or conditions which produce undesirable aquatic life or which produces objectionable tastes in edible aquatic organisms; or concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.

F. Specific Limitations and Self-monitoring Requirements of Construction Dewatering.

1. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from all Outfalls. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristics</u>	<u>Discharge Limitations a/</u>			<u>Monitoring Requirements</u>	
	<u>Average</u>	<u>Daily</u>	<u>Maximum</u>	<u>Measurement</u>	<u>Sample</u>
	<u>30-Day</u>	<u>7-Day</u>		<u>Frequency</u>	<u>Type</u>
Flow, GPD	N/A	N/A	N/A	2 X Month <u>b/</u>	Instant
Visible,					
Oil & Grease, visual	N/A	N/A	<u>c/</u>	Daily	Visual
Oil & Grease, mg/l	N/A	N/A	10.0	2 X Month <u>d/</u>	Grab
Total Suspended Solids, mg/l	25	35	70	2 X Month <u>b/</u>	Grab

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units and shall be grab sampled 2 X a month or b/.

N/A - Non Applicable

- a/ See Definitions, *Part I.A* for definition of terms.
  - b/ If the flow is greater than 1 cfs sampling shall be done weekly.
  - c/ There shall be no visible oil sheen.
  - d/ Sample for Oil and Grease only when a sheen is observed.
2. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the outfall prior to mixing with the receiving stream.
  3. All point source discharges will be required to place velocity dissipation devices at discharge locations and along the length of any outfall channel as necessary to insure non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no deleterious effects or significant changes in the hydrological regime in the receiving water).

II. STORM WATER POLLUTION PREVENTION PLANS

A. Deadlines for Plan Preparation and Compliance.

For projects which disturb more than five acres the plan shall:

1. Be completed prior to the commencement of construction activities and updated as appropriate;

B. Signature and Plan Review.

1. The plan shall be signed in accordance with *Part V.G*, and be retained on-site at the facility which generates the storm water discharge in accordance with *Part II.F*, of this permit.
2. The permittee shall make plans available upon request to the *Executive Secretary*, other State or local agencies approving sediment and erosion plans, grading plans, or storm water management plans, and in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with a *UPDES* permit, to the municipal operator of the system.
3. The *Executive Secretary*, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this *Part*. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan requires modifications in order to meet the minimum requirements of this part. Within 7 days of such notification from the *Executive Secretary*, the permittee shall make the required changes to the plan and shall submit to the *Executive Secretary* a written certification that the requested changes have been made.

C. Keeping Plans Current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under *Part II.D.2*, of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. In addition, the plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the storm water pollution prevention plan (see *Part II.E*) Amendments to the plan may be reviewed by the *Executive Secretary* in the same manner as *Part II.F*.

D. Contents of Plan. The storm water pollution prevention plan shall, provide a description of pollutant sources and other information as indicated:

1. Site Description. Each plan shall provide a description of the following:
  - a. A description of the nature of the construction activity;



- b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading);
  - c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;
  - d. An estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
  - e. A site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, the location of major structures and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to a surface water; and
  - f. The name of the receiving water(s) and the ultimate receiving water(s), and areal extent of wetland acreage at the site.
2. Controls. Each plan shall include a description of appropriate controls and measures that will be implemented at the construction site. The plan will clearly describe and identify for each major activity identified in *Part II.D.1(b)*, appropriate control measures and the timing during the construction process that the measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). The description of controls shall address the following minimum components:
- a. Erosion and Sediment Controls.
    - (1) Stabilization Practices. A description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Except as provided in part *II.D.2.(a).(1).(a)* and *(b)*, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.



- (a) Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently cease is precluded by snow cover, stabilization measures shall be initiated as soon as practicable thereafter.
  - (b) Where construction activity will resume on a portion of the site within 21 days from when activities ceased, (e.g. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of site by the 14th day after construction activity temporarily ceased.
  - (c) In arid (areas with an average annual rainfall of 0-10 inches) and semi-arid (areas with an average annual rainfall of 10-20 inches), where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently cease is precluded by seasonal arid conditions, then stabilization measures shall be initiated as soon as practicable thereafter.
- (2) Structural Practices. A description of structural practices to the degree attainable to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to *Section 404* of the *CWA*.
- (a) For common drainage locations that serve an area with more than 10 disturbed acres at one time, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations which serve more than 10 disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.

- (b) For drainage locations serving less than 10 acres, sediment basins and/or sediment traps should be used. At a minimum, silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area unless a sediment basin providing storage for 3,600 cubic feet of storage per acre drained is provided.
- b. Storm Water Management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to *Section 404* of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site.
  - (1) Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.
  - (2) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water).
- c. Other Controls.
  - (1) Waste Disposal. No solid materials, including building materials, shall be discharged to waters of the State, except as authorized by a *Section 404* permit.
  - (2) Off-site vehicle tracking of sediments and the generation of dust shall be minimized.
  - (3) The plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.
- d. Approved Local Plans.

- (1) Permittees which discharge storm water associated with industrial activity from construction activities must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion site plans or site permits or storm water management site plans or site permits approved by local officials. Permittees shall provide a certification in their storm water pollution prevention plan that their storm water pollution prevention plan reflects requirements applicable to protecting surface water resources in sediment and erosion site plans or site permits or storm water management site plans or site permits approved by local officials. Permittees shall comply with any such requirements during the term of the permit. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the construction site.
  - (2) Storm water pollution prevention plans must be amended to reflect any change applicable to protecting surface water resources in a sediment and erosion site plans or site permits or storm water management site plans or site permits approved by local officials for which the permittee receives written notice. Where the permittee receives such written notice of a change, the permittee shall provide a recertification in the storm water pollution plan that the storm water pollution prevention plan has been modified to address such changes.
  - (3) Dischargers seeking alternative permit requirements shall submit an individual permit application in accordance with *Part I.C.1* of the permit at the address indicated in *Part III.D.1* of this permit, along with a description of why requirements in approved State or local plans or permits, should not be applicable as a condition of a UPDES permit.
3. Maintenance. A description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures and other protective measures identified in the site plan remain in good and effective operating condition.
4. Inspections. Qualified personnel (provided by the discharger) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, areas with structural control measures, and locations where vehicles enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater. Where sites have been temporary or finally stabilized, or during seasonal arid periods in arid (areas with an average annual rainfall of 0-10 inches) and semi-arid (areas with an average annual rainfall of 10-20 inches) such inspection shall be conducted at least once every month.
  - a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are

accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

- b. Based on the results of the inspection, the site description of potential pollutant sources identified in the plan in accordance with part *II.D.1* of this permit and pollution prevention measures identified in the plan in accordance with part *II.D.2* of this permit shall be revised as appropriate as soon as practicable after such inspection. Such modifications shall provide for timely implementation of any changes to the plan within 7 calendar days following the inspection.
- c. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with part *II.F.* of the permit shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the site is finally stabilized. Such reports shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with *Part II.E.2* of this permit.

E. Contractors.

- 1. The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractor(s) and/or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in *Part II.E.2* of this permit in accordance with *Part V.G.* of this permit. All certifications must be included in the storm water pollution prevention plan.
- 2. Certification Statement. All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with *Part II.E.1* of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan:

"I certify under penalty of law that I understand the terms and conditions of the general *UPDES* permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification."

The certification must include the name and title of the person providing the signature in accordance with *Part V.G* of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.



F. Retention of Records.

1. Retention Time Period. The permittee shall retain copies of storm water pollution prevention plans and all reports required by this permit, and records of all data used to complete the *Notice of Intent* to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of the *Executive Secretary* at any time.
2. Retention on Site. The permittee shall retain a copy of the storm water pollution prevention plan required by this permit at the construction site from the date of project initiation to the date of final stabilization.



III. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to the use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10*, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results obtained during the previous month shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), post-marked no later than the 28th day of the month following the completed reporting period. The first report is due on February 28, 1996. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part IV.G)*, and submitted to the Director, Division of Water Quality and to EPA at the following addresses:
- original to: Department of Environmental Quality  
Division of Water Quality  
288 North 1460 West  
PO Box 144870  
Salt Lake City, Utah 84114-4870
- copy to: U.S. E.P.A.- Region VIII  
999 18th Street, Suite 500  
Denver, Colorado 80202-2466
- Attention: Water Management Division  
NPDES Branch (8WM-C)
- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any parameter more frequently than required by this permit, using test procedures approved under *UAC R317-2-10* or as otherwise specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data

submitted in the DMR. Such increased frequency shall also be indicated. Only those parameters required by the permit need to be reported.

G. Records Contents. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) and time(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and,
6. The results of such analyses.

H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location.

I. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any noncompliance which may seriously endanger health or environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality, (801) 538-6146, or 24 hour answering service (801) 536-4123.
2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4123 as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
  - a. Any noncompliance which may endanger health or the environment;
  - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See *Part III.G, Bypass of Treatment Facilities.*);
  - c. Any upset which exceeds any effluent limitation in the permit (See *Part III.H, Upset Conditions.*); or,
  - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

- a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
  - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
4. The Executive Secretary may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 538-6146.
  5. Reports shall be submitted to the addresses in *Part III.D, Reporting of Monitoring Results*.
- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for *Part III.D* are submitted. The reports shall contain the information listed in *Part III.I.3*.
- K. Inspection and Entry. The permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
  4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location.

IV. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine not exceeding \$25,000 per day of violation; Any person convicted under *UCA 19-5-115(2)* a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at *Part III.G, Bypass of Treatment Facilities* and *Part III.H, Upset Conditions*, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.
- G. Bypass of Treatment Facilities.
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section. Return of removed substances, as described in *Part III.F*, to the discharge stream shall not be considered a bypass under the provisions of this paragraph.
  2. Notice:



- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under *Part III.I, Twenty-four Hour Reporting*.
3. Prohibition of bypass.
- a. Bypass is prohibited and the Executive Secretary may take enforcement action against a permittee for a bypass, unless:
    - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage ;
    - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
    - (3) The permittee submitted notices as required under paragraph 2 of this section.
  - b. The Executive Secretary may approve an anticipated bypass, after considering its adverse effects, if the Executive Secretary determines that it will meet the three conditions listed above in paragraph 3.a of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2. of this section are met. Executive Secretary's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required under *Part III.I, Twenty-four Hour Notice of Noncompliance Reporting*; and,



- d. The permittee complied with any remedial measures required under *Part III.D, Duty to Mitigate*.
- 3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of *The Water Quality Act of 1987* for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- J. Changes in Discharge of Toxic Substances. Notification shall be provided to the Executive Secretary as soon as the permittee knows of, or has reason to believe:
  - 1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - a. One hundred micrograms per liter (100 ug/L);
    - b. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(7)* or (10); or,
    - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.
  - 2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - a. Five hundred micrograms per liter (500 ug/L);
    - b. One milligram per liter (1 mg/L) for antimony;
    - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(9)*; or,
    - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.
- K. Industrial Pretreatment. Any wastewaters discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of *The Water Quality Act of 1987*, the permittee shall comply with all applicable federal General

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Pretreatment Regulations promulgated at *40 CFR 403*, the State Pretreatment Requirements at *UAC R317-8-8*, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the wastewaters.

In addition, in accordance with *40 CFR 403.12(p)(1)*, the permittee must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed of would be considered a hazardous waste under *40 CFR 261*. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

V. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal, the permittee shall give notice to the Executive Secretary of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Executive Secretary, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Executive Secretary, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary shall be signed and certified.
  - 1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
  - 2. All reports required by the permit and other information requested by the Executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described above and submitted to the Executive Secretary, and,
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph *IV.G.2* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph *IV.G.2* must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
  4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- H. Penalties for Falsification of Reports. The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
  - I. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Executive Secretary. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.
  - J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.

- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Executive Secretary at least 20 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
  3. The Executive Secretary does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by *UCA 19-5-117*.
- O. Water Quality-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
  2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
  3. A revision to the current Water Quality Management Plan is approved and adopted which calls for different effluent limitations than contained in this permit.
- P. Toxicity Limitation-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity (WET) testing, a WET limitation, a compliance schedule, a compliance date, additional or modified numerical limitations, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit.